

## **REMARKS**

Claims 22-40 were presented and examined. In response to the Office Action, Claims 22, 27, 31 and 37 are amended, and no claims are cancelled or added. Reconsideration of the pending claims is respectfully requested in view of the above amendments and the following remarks.

### **I. Rejections Under 35 U.S.C. § 103**

Claims 31-40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,574,423 issued to Oshima et al. ("Oshima") in view of U.S. Patent No. 7,035,453 issued to Liu ("Liu"). Claims 22-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Oshima in view of Liu and U.S. Patent 6,052,343 issued to Yamanaka ("Yamanaka").

To determine obviousness of a claim: (1) factual findings must be made under the factors set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966); and (2) the analysis supporting the rejection under 35 U.S.C. § 103 should be made explicit and there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. See MPEP §§ 2141(II), 2141(III), and 2142; KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385, 1396; see e.g., MPEP § 2143 (providing a number of rationales which are consistent with the proper "functional approach" to the determination of obviousness as laid down in Graham).

In regards to the rejection of claim 22 under 35 U.S.C. § 103, this claim has been amended to recite "wherein the multiplexed stream includes: viewpoint information including a viewpoint information flag representing a value corresponding to the number of view points that the packetized elementary stream provides; and display discrimination information including a display mode that the packetized elementary stream provides and is selected by a user from a set of display modes" (emphasis added). These amendments are supported, for example, by paragraph [0086] of the Specification as filed. Further, The Applicant submits that the combination of Oshima, Liu, and Yamanaka fails to disclose these elements of amended claim 22.

In rejecting claim 22, the Examiner relies on Oshima to disclose including display discrimination information in a multiplexed stream. See Final Office Action, Page 8. Specifically, the Examiner cites the stereoscopic identifier of Figure 13 of Oshima as being

analogous to the display discrimination information of claim 22. *See id.* The stereoscopic identifier of Oshima notes when stereoscopic data is present in a stream. *See Oshima*, Figure 13 and column 8, line 57 through column 9, line 18. However, the stereoscopic identifier of Oshima fails to disclose including information regarding the display mode selected by a user, because Oshima is silent regarding this information being included in the stereoscopic identifier. Further, the Applicant has been unable to locate any sections of Oshima which disclose including information in a multiplexed stream regarding the display mode selected by the user.

By including a display mode selected by a user, the multiplexed stream of claim 22 can be easily analyzed by a receiver and the corresponding display mode can be shown without the need for the receiver to store the display mode selected by the user. By failing to disclose including information regarding the display mode selected by a user in a multiplexed stream, Oshima fails to disclose the cited element of claim 22. Further, after reviewing Liu and Yamanaka, the Applicant has been unable to locate any sections therein which cure the deficiencies of Oshima. Thus, the combination of Oshima, Liu, and Yamanaka fail to disclose each element of amended claim 22 and cannot maintain a rejection under 35 U.S.C. § 103. Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 22 on this basis.

In regards to claims 27, 31, and 37, these claims have been amended to include elements analogous to those of amended claim 22. For at least the reasons discussed above in relation to amended claim 22, the combination of Oshima, Liu, and Yamanaka fails to disclose these elements of amended claims 27, 31, and 37. Thus, the combination of Oshima, Liu, and Yamanaka fail to disclose each element of amended claims 27, 31, and 37 and cannot maintain a rejection under 35 U.S.C. § 103. Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 27, 31, and 37 on this basis.

In regards to claims 23-26, 28-30, 32-36, and 38-40, these claims depend from independent claim 22, 27, 31, and 37, respectively, incorporate the limitations thereof. The Examiner's argument assumes that the combination of Oshima, Liu, and Yamanaka discloses all elements of claims 22, 27, 31, and 37 which are incorporated in dependent claims 23-26, 28-30, 32-36, and 38-40. However, as discussed above, the combination of Oshima, Liu, and Yamanaka does not disclose all the limitations of amended claims 22, 27, 31, and 37. Thus, the combination of Oshima, Liu, and Yamanaka fail to disclose each element of amended claims 23-26, 28-30, 32-36, and 38-40 and cannot maintain a rejection under 35 U.S.C. § 103. Accordingly,

the Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 23-26, 28-30, 32-36, and 38-40 on this basis.

**CONCLUSION**

In view of the foregoing, it is believed that all claims are now in condition for allowance and such action is earnestly solicited at the earliest possible date. The Commissioner is hereby authorized to charge our Deposit Account No. 02-2666 for any fees due in connection with the filing of this response.

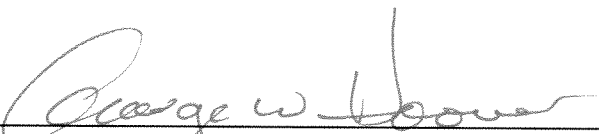
Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: \_\_\_\_\_

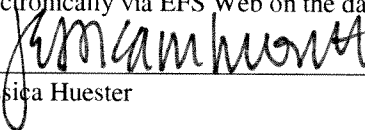
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